

Message Text

PAGE 01 STATE 063429

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ORIGIN AID-25

INFO OCT-01 EB-05 ADP-00 DPW-01 EA-04 SS-15 PM-03 INR-10

CIAE-00 DODE-00 L-03 IO-09 SR-02 ORM-01 EUR-06 SPM-01

MED-01 PRS-01 IGA-02 /090 R

DRAFTED BY SA/ C: DMERRILL: DL

04/05/73 EXT 23972

APPROVED BY SA/ C: TOLMSTED

GC/ SA: CSTEPHENSON (DRAFT)

EA/ LC: AANTIPPAS (DRAFT)

SA/ PPB: CBREECHER (DRAFT)

SER/ COM/ CONT: JMCCOLL (SUBS)

U/ PW: FSIEVERTS (DRAFT)

DESIRED DISTRIBUTION

2 M ACTION SAB INFO PHA PVC GC GCFLD GCSA FM 25 P

----- 121992

P R 052240 Z APR 73

FM SECSTATE WASHDC

TO USMISSION GENEVA PRIORITY

INFO AMEMBASSY PHNOM PENH

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E. O. 11652: N/ A

TAGS: SREF, EAID, CB, SZ

SUBJ: ICRC PROPOSAL

REFS: A. STATE 47438 B. GENEVA 1274 C. PHNOM PENH 2655

1. FOLLOWING FOR YOUR REVIEW IS DRAFT TEXT OF AGREEMENT
BETWEEN AID AND ICRC FOR DOLS. 100,000 GRANT TO BE USED
THROUGH IOG: - -

QUOTE: GRANT AGREEMENT BETWEEN THE UNITED STATES OF
AMERICA AND THE INTERNATIONAL COMMITTEE OF THE RED CROSS.
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PAGE 02 STATE 063429

" THIS GRANT AGREEMENT, MADE AND EFFECTIVE (INSERT DATE)
1973, IS BETWEEN THE UNITED STATES OF AMERICA, ACTING

THROUGH THE AGENCY FOR INTERNATIONAL DEVELOPMENT (" A. I. D.") AND THE INTERNATIONAL COMMITTEE OF THE RED CROSS (" ICRC" OR "GRANTEE") WITH ITS HEADQUARTERS IN GENEVA, SWITZERLAND.

" WHEREAS, THE GOVERNMENT OF THE USA WISHES TO RESPOND FURTHER TO THE APPEAL FROM THE GOVERNMENT OF THE KHMER REPUBLIC FOR ASSISTANCE IN HELPING TO ASSUAGE THE NEEDS OF REFUGEES, DISPLACED PERSONS AND WAR VICTIMS IN THE KHMER REPUBLIC FOR FOOD, CLOTHING, SHELTER, AND MEDICAL CARE; AND

" WHEREAS, THE ICRC IS PROVIDING EMERGENCY RELIEF AND ASSISTANCE TO SUCH PERSONS IN THE KHMER REPUBLIC; AND

" WHEREAS, THE ICRC HAS EXPRESSED ITS WILLINGNESS TO RECEIVE AND UTILIZE THROUGH THE INDOCHINA OPERATIONS GROUP OF THE RED CROSS AUGMENTED ASSISTANCE FOR ITS ABOVE- MENTIONED PROGRAM IN THE KHMER REPUBLIC:

" NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

" SECTION 1. THE GRANT. A. I. D. HEREBY AGREES TO GRANT TO THE GRANTEE, PURSUANT TO THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED, UP TO ONE HUNDRED THOUSAND UNITED STATES DOLLARS (DOLS. 100,000) TO BE USED TO ASSIST IN FINANCING SUCH EMERGENCY RELIEF AND ASSISTANCE (HEREINAFTER REFERRED TO AS THE ' PROGRAM').

" SECTION 2. DISBURSEMENTS. (A) AFTER EXECUTION OF THIS AGREEMENT, A. I. D. UPON REQUEST WILL DISBURSE TO GRANTEE THE SUM OF ONE HUNDRED THOUSAND DOLLARS (DOLS. 100,000). ANY INTEREST EARNED ON FUNDS DISBURSED TO THE GRANTEE PURSUANT TO THIS AGREEMENT SHALL BECOME THE PROPERTY OF THE UNITED STATES GOVERNMENT AND BE RETURNED TO IT BY GRANTEE.

"(B) EXCEPT AS A. I. D. MAY OTHERWISE AGREE IN WRITING, ALL DISBURSEMENTS BY OR ON BEHALF OF ICRC HEREUNDER MUST BE MADE NO LATER THAN JUNE 30, 1974. ANY FUNDS HEREUNDER NOT BY THEN SO DISBURSED SHALL BE RETURNED TO A. I. D.

" SECTION 3. USE OF FUNDS. (A) ALL FUNDS MADE AVAILABLE LIMITED OFFICIAL USE

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PAGE 03 STATE 063429

BY THIS AGREEMENT SHALL BE USED FOR ASSISTANCE, OTHER THAN ADMINISTRATIVE COSTS, TO REFUGEES, DISPLACED PERSONS AND WAR VICTIMS IN THE KHMER REPUBLIC. IN CARRYING OUT THIS AGREEMENT ICRC MAY USE AS ITS IMPLEMENTING AGENT, WITHIN THE TERMS OF THIS AGREEMENT, THE INDOCHINA OPERATIONS GROUP OF THE RED CROSS.

"(B) NONE OF THE FUNDS MADE AVAILABLE BY THIS AGREEMENT SHALL BE USED TO REPLACE ASSISTANCE CURRENTLY BEING MADE

AVAILABLE BY ICRC, NOR SHALL FUNDS MADE AVAILABLE BY THIS AGREEMENT BE USED IN LIEU OF PLANNED INCREASES, IF ANY, IN ICRC' S PROGRAM OF ASSISTANCE TO THE KHMER REPUBLIC.

" SECTION 4. REPORTS. (A) GRANTEE' S REPRESENTATIVE IN PHNOM PENH, KHMER REPUBLIC, SHALL MAKE QUARTERLY REPORTS TO A. I. D. THROUGH THE ECONOMIC COUNSELOR, AMERICAN EMBASSY, PHNOM PENH DESCRIBING HOW THE PROGRAM WAS CONDUCTED, THE RESULTS WHICH WERE ACHIEVED, AND PROBLEMS AND FURTHER REQUIREMENTS, IF ANY. THE FIRST SUCH REPORT SHALL BE SUBMITTED ON JUNE 30, 1973.

"(B) GRANTEE SHALL PROVIDE A. I. D. OR ITS REPRESENTATIVE WITH SUCH OTHER INFORMATION AND SUCH OPPORTUNITY FOR INSPECTION OF RECORDS OR AUDIT OF GRANTEE, RELATING TO DISBURSEMENTS BY GRANTEE FOR THE PROGRAM, AS A. I. D. MAY REASONABLY REQUEST, AND WILL FOR THIS PURPOSE MAINTAIN FOR THREE YEARS AFTER THE DATE SPECIFIED IN SECTION 2(B). HEREOF ALL BOOKS AND RECORDS IN CONNECTION HEREWITH.

" SECTION 5. TERMINATION AND REFUND. (A) A. I. D. MAY, UPON DETERMINATION THAT IT IS IN THE BEST INTERESTS OF THE UNITED STATES, TERMINATE THIS GRANT UPON 45 DAYS WRITTEN NOTICE TO THE GRANTEE. THE GRANTEE MAY TERMINATE ITS ACTIVITIES UNDER THIS GRANT UPON 45 DAYS WRITTEN NOTICE TO A. I. D. WHEN THE GRANTEE RECEIVES OR GIVES SUCH NOTICE OF TERMINATION, IT SHALL TAKE IMMEDIATE ACTION TO MINIMIZE EXPENDITURES AND OBLIGATIONS FINANCED BY THIS GRANT AND CANCEL SUCH OBLIGATIONS WHENEVER POSSIBLE; PROVIDED THAT UPON WRITTEN REQUEST OF A. I. D. WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF SUCH TERMINATION, THE GRANTEE SHALL ASSIGN TO A. I. D. ALL ITS ASSIGNABLE RIGHTS, TITLE AND INTEREST IN AND TO ANY PROPERTY ACQUIRED BY IT HEREUNDER.

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PAGE 04 STATE 063429

"(B) IF A. I. D. DETERMINES THAT ANY DISBURSEMENT MADE PURSUANT TO THIS GRANT IS NOT MADE OR USED IN ACCORDANCE WITH THE PURPOSES OF THIS GRANT AGREEMENT, ICRC SHALL REFUND TO A. I. D. WITHIN THIRTY (30) DAYS AFTER RECEIPT OF A REQUEST THEREFOR, SUCH AMOUNT PROVIDED THAT SUCH REQUEST BY A. I. D. SHALL BE MADE NOT LATER THAN THREE (3) YEARS AFTER THE DATE SPECIFIED IN SECTION 2(B) HEREOF. NOTWITHSTANDING THE FACT THAT A. I. D. MAY HAVE INVOKED ITS RIGHT TO TERMINATE THE AGREEMENT, THE RIGHTS OF A. I. D. SET FORTH IN THIS PARAGRAPH SHALL REMAIN IN FORCE AFTER SUCH TERMINATION.

" SECTION 6. USE OF REPRESENTATIVES. (A) ALL ACTIONS REQUIRED OR PERMITTED TO BE PERFORMED OR TAKEN UNDER THIS AGREEMENT BY GRANTEE OR A. I. D. MAY BE PERFORMED BY THEIR RESPECTIVE DULY AUTHORIZED REPRESENTATIVES.

"(B) THE GRANTEE HEREBY DESIGNATES CHIEF, INDOCHINA OPERATIONS GROUP OF THE RED CROSS, IN PHNOM PENH, AS ITS REPRESENTATIVE WITH AUTHORITY TO DESIGNATE IN WRITING OTHER REPRESENTATIVES OF GRANTEE IN ITS DEALINGS WITH A. I. D. GRANTEE, S REPRESENTATIVE DESIGNATED PURSUANT TO THE PRECEDING SENTENCE, UNLESS A. I. D. IS GIVEN NOTICE OTHERWISE, SHALL HAVE AUTHORITY TO AGREE ON BEHALF OF GRANTEE TO ANY MODIFICATION OF THIS AGREEMENT. UNTIL RECEIPT BY A. I. D. OF WRITTEN NOTICE OF REVOCATION BY GRANTEE OF THE AUTHORITY OF ANY OF ITS REPRESENTATIVES, A. I. D. MAY ACCEPT THE SIGNATURE OF SUCH REPRESENTATIVES ON AN INSTRUMENT AS

CONCLUSIVE EVIDENCE THAT ANY ACTION EFFECTED BY SUCH INSTRUMENT IS AUTHORIZED BY GRANTEE.

" SECTION 7. COMMUNICATIONS. ANY NOTICE, REQUEST, OR OTHER COMMUNICATION OR ANY DOCUMENT GIVEN, MADE, OR SENT BY GRANTEE OR A. I. D. PURSUANT TO THIS AGREEMENT SHALL BE IN WRITING AND SHALL BE DEEMED TO HAVE BEEN DULY GIVEN, MADE, OR SENT TO THE PARTY TO WHICH IT IS ADDRESSED WHEN IT SHALL BE DELIVERED BY HAND OR BY MAIL, OR TELEGRAM, CABLE, OR RADIOGRAM TO SUCH PARTY AT THE FOLLOWING ADDRESS; TO GRANTEE: MAIL ADDRESS: CHIEF, INDOCHINA OPERATIONS GROUP OF THE RED CROSS, KHMER REPUBLIC, C/O THE INTERNATIONAL COMMITTEE OF THE RED CROSS, 27 SAMDECH TIENG, LIMITED OFFICIAL USE

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PAGE 05 STATE 063429

PHNOM PENH, KHMER REPUBLIC. TO A. I. D.: MAIL ADDRESS: ECONOMIC COUNSELOR, AMERICAN EMBASSY, PHNOM PENH, CAMBODIA. OTHER ADDRESSES MAY BE SUBSTITUTED FOR THE ABOVE UPON GIVING OF NOTICE AS PROVIDED HEREIN.

" THE INTERNATIONAL COMMITTEE OF THE RED CROSS, BY: TITLE:

" THE UNITED STATES OF AMERICA, BY: UNQUOTE.

2. FUNDS FOR THIS AGREEMENT HAVE BEEN ALLOTTED TO THE SUPPORTING ASSISTANCE BUREAU, AID/ WASHINGTON.

3. YOU ARE AUTHORIZED TO NEGOTIATE THIS DRAFT AGREEMENT WITH ICRC GENEVA AND ADVISE US IF ANY CHANGES ARE DESIRED BY MISSION OR ICRC. HOWEVER, AGREEMENT SHOULD NOT REPEAT NOT BE SIGNED UNTIL (A) ANY LANGUAGE CHANGES ARE APPROVED BY WASHINGTON, AND (B) MISSION HAS RECEIVED DEFINITE ASSURANCE FROM DULY AUTHORIZED ICRC REPRESENTATIVE THAT UNDERSTANDING CITED REF A IS ACCEPTABLE TO ICRC.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 07 MAY 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 05 APR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: elyme
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE063429
Document Source: ADS
Document Unique ID: 00
Drafter: SA/ C: DMERRILL: DL
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730460/abqceiga.tel
Line Count: 219
Locator: TEXT ON-LINE
Office: ORIGIN AI
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: A. STATE 47438 B. GENEVA 1274 C. PHNOM PENH 2655
Review Action: RELEASED, APPROVED
Review Authority: elyme
Review Comment: n/a
Review Content Flags:
Review Date: 27 SEP 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <27-Sep-2001 by rowellE0>; APPROVED <02-Jan-2002 by elyme>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> gwr 971201
Subject: ICRC PROPOSAL
TAGS: EAID, SREF, CB, SZ, ICRC
To: GENEVA INFO PHNOM PENH
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005